REMARKS/ARGUMENTS

Upon entry of this amendment, which amends claims 1, 3, and 4, and adds claims 5-9, claims 1-4 remain pending, and claims 5-9 are newly presented for examination. Claims 1-4 were rejected under 35 U.S.C. §102(b) as being anticipated by *"TCP-Like Congestion Control for Layered Multicast Data Transfer"* by Vicisano et al.

Reconsideration in view of the foregoing amendments and following remarks is respectfully requested.

Objection to Specification

The disclosure was objected to because blanks on page 6 had not been filled in. The specification has been amended to fill in those blanks with the corresponding patent numbers and also to correct other minor errors found in the specification. The undersigned, who is admitted to practice before the Patent and Trademark Office, verifies that no new matter has been added. Withdrawal of the objection to the specification is respectfully requested.

Objection to Drawings

The drawings were objected to as including reference signs not mentioned in the description. In particular, reference signs 19, 14(1)-(3), and 18(2) in Fig. 1 were identified. Fig. 1 has been amended to change reference sign 19, which is not mentioned in the description, to reference sign 18(8).

The reference signs that include numbers in parenthesis are mentioned in the description. At page 10, lines 7-10 (as amended by the present Amendment), it is explained that "[i]n the description and figures, multiple instances of an object are identified by a common number associated with the object in general, while a specific instance of the object is identified by the common number followed by an instance number in parenthesis." Routers 12, hosts 14, and interfaces 18 are all mentioned in the description (see, e.g., p. 10, lines 5-6, 13-14). Fig. 1 shows specific instances of routers 12, hosts 14, and interfaces 18, each of which is identified by the appropriate common number followed by an instance number in parenthesis. Thus, the

reference signs used in Fig. 1 are mentioned in the description. Withdrawal of the objection to the drawings is respectfully requested.

Rejection of Claims 1-4 under 35 U.S.C. §102(b)

Claims 1-4 were rejected under 35 U.S.C. §102(b) as being anticipated by *"TCP-Like Congestion Control for Layered Multicast Data Transfer"* by Vicisano et al. Applicants respectfully traverse.

Independent claim 1 recites, among other features, "logic for reducing the sending rate of at least one of the plurality of layers over time." Vicisano does not disclose or suggest at least this feature of claim 1. Specifically, Vicisano discloses multicasting using a number of layers, where each layer has a different bandwidth (i.e., sending rate) (p. 997). Receivers can adjust their reception rate according to network conditions by joining or leaving layers (p. 998), which implies that the *receiving* rate may change with time. But Vicisano does not disclose or suggest that the *sending* rate for a layer can be reduced over time, as recited in claim 1. For at least this reason, Vicisano does not anticipate claim 1.

Similarly, independent claim 3 recites a step of "reducing the sending rates for each of the layers over time." As discussed above, Vicisano fails to disclose or suggest such an action, and for at least this reason, Vicisano does not anticipate claim 3.

For at least these reasons, claims 1 and 3 are patentable over Vicisano; claims 2 and 4, which depend from claims 1 and 3, respectively, derive patentability therefrom. Withdrawal of the rejection of claims 1-4 is respectfully requested.

New Claims 5-9

Claims 5-9 have been added by this amendment. Applicants respectfully submit that support for these claims may be found in the specification.

In order to expedite prosecution, Applicants respectfully submit that claims 5-9 are patentable over Vicisano. Specifically, claims 5-7 depend from claim 3 and derive patentability therefrom. Independent claim 8 includes steps of " reducing a sending rate for a

first one of the plurality of dynamic layers over time" and " concurrently with the step of reducing, increasing a sending rate of at least one other of the plurality of dynamic layers." As discussed above, Vicisano does not teach or suggest changing the *sending* rate of any layer over time, and claim 8 is patentable for at least this reason. Claim 9 is patentable at least because it depends from claim 8.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

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Philip H. Albert
Reg. No. 35,819

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: 415-576-0200
Fax: 415-576-0300
PHA/CEC/lo
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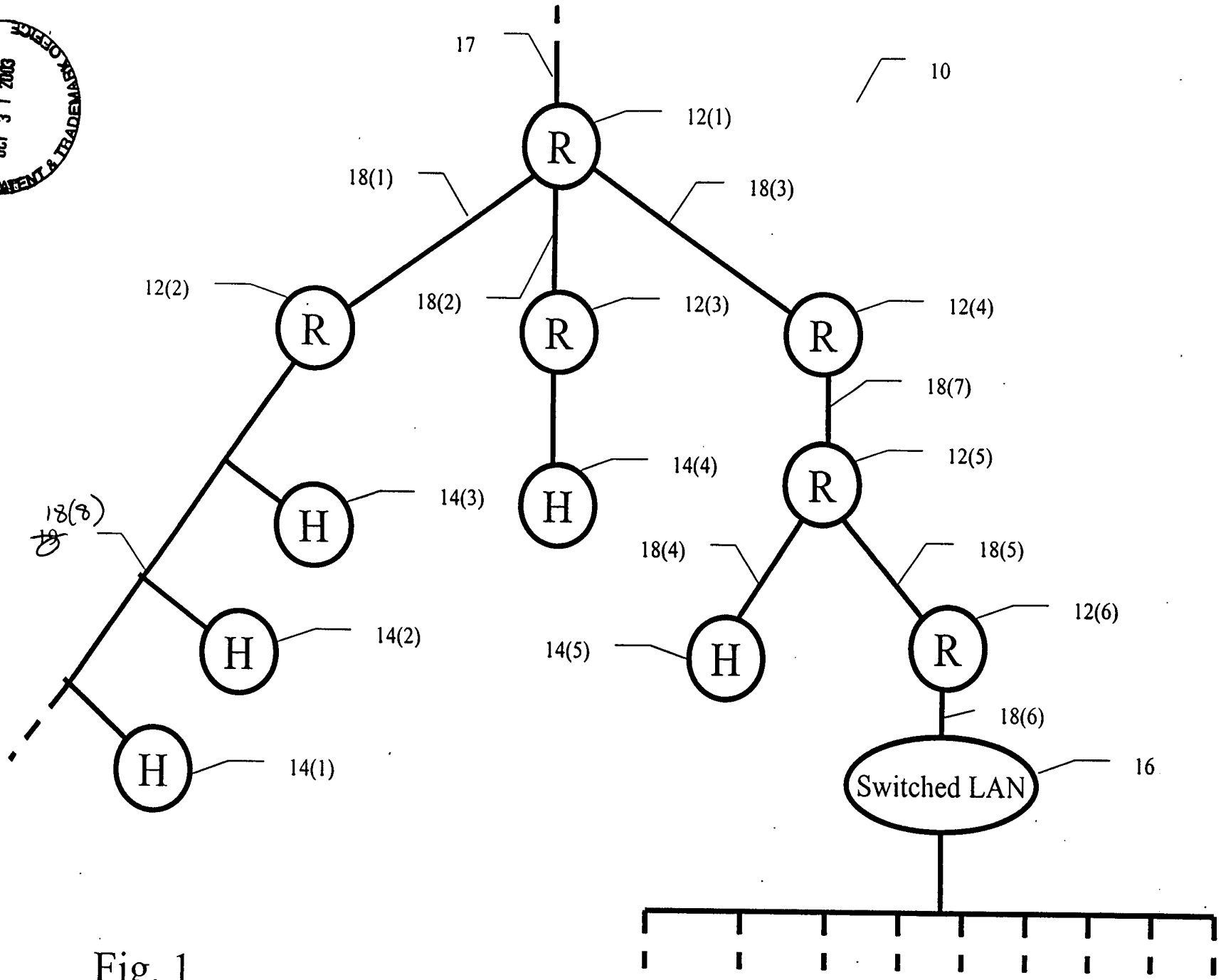

Fig. 1